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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,428	05/11/2005	Vincent Marcel Ghislain Alliot	7096SO-28	6318
22442	7590	01/23/2008		
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			EXAMINER SINGH, SUNIL	
			ART UNIT 3672	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,428

Applicant(s)

ALLIOT, VINCENT MARCEL
GHISLAIN

Examiner

Sunil Singh

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,10,11 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,10,11 and 15-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: 1 sheet of attached marked up drawing

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,4,5,6,8,10,11,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Haynes (US 4234046).

Haynes discloses a seabed anchor (see Fig. 2) in the form of a caisson (12) having a longitudinal axis and comprising a caisson side wall (see attached marked up drawing), said side wall surrounding an interior volume and having top and bottom ends (see attached marked up drawing) and, a top wall (see attached marked up drawing) substantially closing the interior volume at its upper end, while being provided with a fluid connection (see attached marked up drawing) to the interior volume, to cause fluid to be withdrawn away from an upper part of said interior volume during embedment whereby suction is applied to cause embedment of the anchor in seabed soil, a bottom edge of said side wall defining an open caisson bottom which permits the anchor to be embedded in the seabed soil in a direction generally downwardly along said longitudinal axis by penetration of said side wall edge into the soil, wherein a lower portion of said interior volume is substantially free of obstruction, and wherein means for retaining seabed soil (see attached marked up drawing) are provided in an upper portion

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of said interior volume, said means for retaining seabed soil being adapted to displace, receive and retain a quantity of the seabed soil, a weight of the seabed soil retained by the means for retaining seabed soil adding to the force required to pull the embedded anchor out of the seabed when the anchor has been emplaced. (Re claim 3)

the means for retaining seabed soil comprises at least one container having an opening (44,48) arranged to admit seabed soil during embedment of the anchor in the seabed.

Re claim 4, the means for retaining seabed soil has a downwardly reducing external cross-section (see attached marked up drawing) to minimize resistance to upward movement of seabed soil past the means for retaining seabed soil during embedment of the anchor. Re claim 5, the means for retaining seabed soil comprises at least one conical hopper, having an apex oriented to penetrate the soil during embedment (see attached marked up drawing). Re claim 6, the means for retaining seabed soil is located entirely within the interior volume of the caisson. Re claim 17, the fluid connection is disposed on the top wall (see attached marked up drawing) and communicates with the interior volume, and a pump (24,26,32) connected to the fluid connection (via member 22) thereby facilitating the fluid to be withdrawn away from the interior volume.

C1aim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes '046 in view of Haynes '721.

Haynes '046 discloses the invention substantially as claimed. However, Haynes '046 is silent about including a gravity base having a plurality of caissons. Haynes '721 teaches a gravity base having a plurality of caissons (see Fig. 3). It would have been considered obvious to one of ordinary skill in the art to modify Haynes '046 by substituting the gravity base as taught by Haynes '721 for the frame/corer structure disclosed by Haynes '046 in order to provide alternative use of the pumping system.

Response to Arguments

5. Applicant's arguments filed 10/5/07 have been fully considered but they are not persuasive. Applicant argues that Haynes '046 does not teach "fluid connection". The examiner disagrees. See attached marked up Figure 2. Applicant argues that Haynes '046 fails to teach "means for retaining seabed soil in the upper portion of the interior volume". The examiner disagrees. See attached marked up Figure 2, the "means for retaining seabed soil" is considered to be in the upper portion. Applicant argues that claim 4 is not taught. The examiner disagrees. See attached marked up Figure 2, wherein the cross-section reduces downwardly. Applicant argues that the check valves dictate for the cavities to increase. This is not found persuasive. See attached Figure 2, wherein the cross-section reduces downwardly. Applicant argues that Haynes '046 does not teach a pump to be connected to the fluid connection located on the top wall. The examiner disagrees. The fluid connection is disposed on the top wall (see attached marked up drawing) and communicates with the interior volume, and a pump (24,26,32)

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connected to the fluid connection (via member 22) thereby facilitating the fluid to be withdrawn away from the interior volume. Applicant argues that there is no basis to combine Haynes '046 and Haynes '721. The examiner disagrees. Haynes '046 teaches a pump means for installing a frame/corer. Haynes '721 teaches a pump means for installing a gravity base. Therefore, it is obvious to modify Haynes '046 by substituting the gravity base as taught by Haynes '721 for the frame/corer structure disclosed by Haynes '046 in order to provide alternative use of the pumping system.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

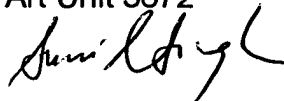
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sunil Singh
Primary Examiner
Art Unit 3672



SS
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12/26/07

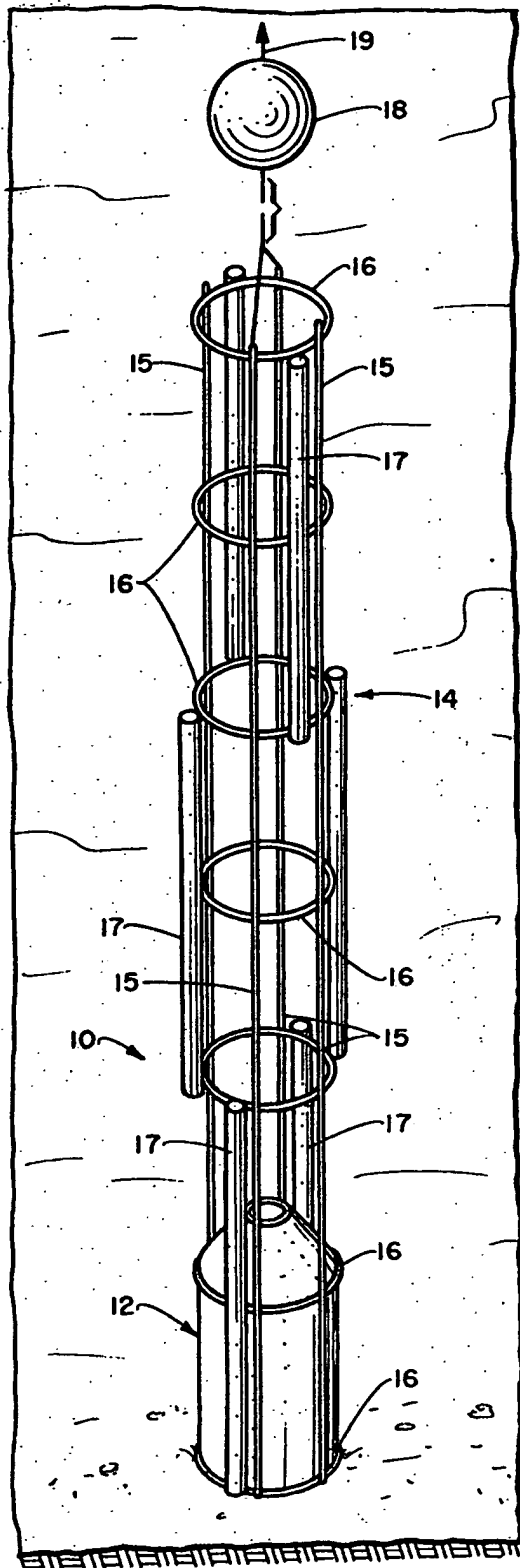


Fig. 1.

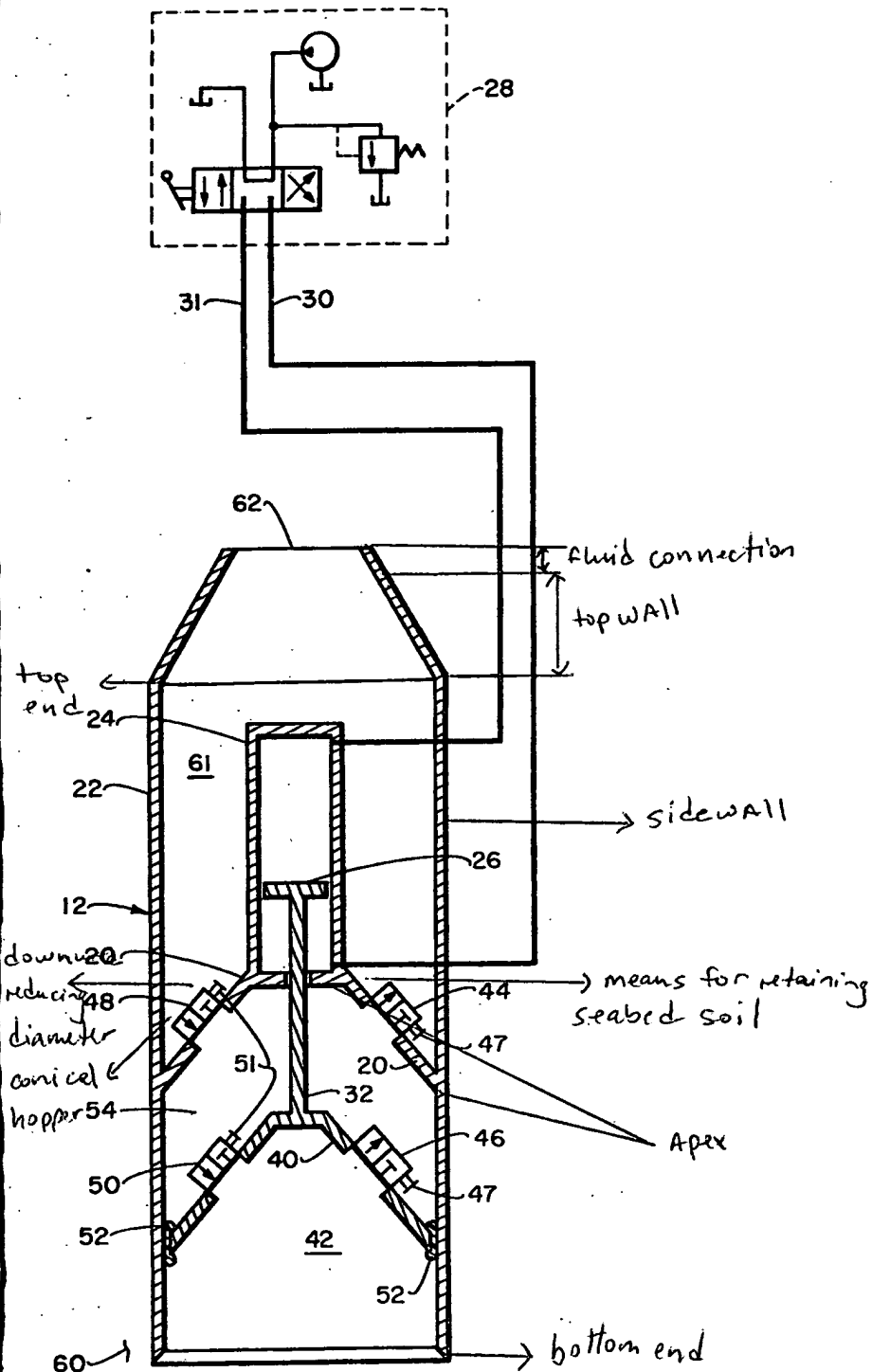


Fig. 2.